App. F. IX-4

A

1935.
(Legs)

File No. 14-

Serial Nos. 1

Previous References
Legs 29. 25. A Collection.
CS 219-28 - 1 - 2

Letter References.

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. One

Manuscript— Part ~~B~~ A for Sept 35—

SUBJECT.

Regulation III of 1935 - a Regln further to Amend the Code of Criminal Procedure, 1904

WD 03607—GPB—22,500—2-8-35

M. Aleem Aziz
24.9.35

General and Revenue Secretariat

File No.

Serial No.

1 No 6574 of 15/1/35. from High Ct. recommending that s 367 of the Cr. P. Code be amended so as to enable judges not over the rank than Asst Judges & Magts & empowered to deliver judgments.

S. 367 of the Indian Code of Cr. Procedure was amended so as allowing dictation of judgment by the presiding officer.

A similar amendment was introduced here in 1923 but it was opposed by the L. C and in view of that the amendment was not the Government of India law was allowed for the main reasons.

When this question raised by the High Ct. of the High Courts' attention drawn to the Govt. of the L. C.

710

NOTE—Contn. Sheet.

WD 01955—GPB—22,500—12-6-34

~~Act~~ Sessions Judges
Magistrates Especially empowered
~~Dis~~ Such powers

35 The High Court propose that
sec 367 Cr. Pro. Code be so amended
as to empower Judges of Criminal Courts
to dictate Judgments to stenographers.
Such an amendment was been made
in the Bihar & Orissa Cr. Pro. Code
When it came up before the L. C. in
1926, it was opposed by some members
& the amendment was dropped.
The High Court now suggest a similar
provision to the effect that Judges not
lower in rank than Asst. Sessions Judges
and Magistrates specially empowered may
be granted this power. This is a
change.

General and Revenue Secretariat

File No.

Serial No.

The proposal of the High Court may be adopted (But the High Court should in fact, decide the Bill should have the effect of increasing the expenses on Courts appointment of Stenographers)

RR
24/1

1 Jt Member

Papers - draft bill may kindly be

25/1

RR
25/1/35

Sd. with a draft Bill with a statement of objects & reasons.

Sd
25/1
MSK

Please put up Bill & Act in India

Sd 27/1/35

Sd. with the Corrections in the Bill. The original of the Bill was also returned in present form by the Law Department

Sd
12/2

Typed

Sd. with the Bill of objects & reasons

Sd
8/2
MSK

Typed

Requires sanction for making Corrections of the Bill, Statement of O. & R. & Statement of financial implications

Sd.

13 FEB. 1935
GENL & REV. SECTT.

THE COUNCIL
JAN. 1935
5452

NOTE—Contn. Sheet.

WD 01955—GPB—22,500—12-6-34

DEWAN'S OFFICE
18 FEB. 1935
No. 609

6
14/2/35

OFFICE OF THE
FIRST MEMBER OF COUNCIL
27 FEB. 1935
No. 621

Dictation of Jury

General and Revenue Secretariat

File No. 113 of 1934

[App. F III–2

Serial No.

S_N Subj

PR
873(1)

Dewan_

8_5_31

Note–Contn. Sheet.

Final Note by the First Member of Council.

Subject:—

Bill further to amend Criminal Procedure Code.

Under Section 367 of the Criminal Procedure Code, 1904 in force in Mysore, every judgment has to be written by the presiding officer of the court in his own hand and cannot be dicta to a steno-typist. The law in this respect was amended in Brit India in 1923 giving power to all presiding officers to dictat judgments and the change has worked there satisfactorily. The procedure in Mysore leads to a certain amount of avoidable wast of time and delay in disposing of cases.

Even in Mysore, power has been taken in the Civil Proced Code to empower the presiding Judge to pronounce judgments by dictation. The system has proved to be a convenient arrangemen and is working satisfactorily.

The question of amending the Criminal Procedure Code in this respect was brought up for consideration in 1926, but was dropped as the Legislative Council was opposed to it at the tim The High Court suggested reconsideration of the question in 192 but the Government were unwilling to take it up so soon after t adverse opinion of the Legislative Council. The High Court hav again recommended the amendment of the law in this respect in a slightly modified form and have suggested that dictation of - - judgments may be permitted in the case of Judges not lower in rank than Assistant Sessions Judges and also by Magistrates spe cially empowered.

District Judges and Subordinate Judges and even some Mun siffs are now exercising on the Civil side such a power and the extension of such a convenience would assist Judges and Magis- trates. The proposal has been agreed to by the Dewan and the Second Member of Council.

Page 4 of Office Notes

I now solicit gracious sanction of His Highness to plac before the Representative Assembly a statement of general prin ples of a Bill to amend the Criminal Procedure Code and intro- duce the Bill itself in due course in the Legislative Council.

MEMBER OF COUNCIL.

Bangalore,
7th March 1935.

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council* regarding the Bill further to amend Criminal Procedure Code,

for His Highness' gracious approval.

Dewan.

8-3-35.

Amendment to the Bill

General and Revenue Secretariat	File No.	of 193	[App. F.

Serial No.

To the typing section for typing two copies of Statement flag W

From 18/3

As the typed copies of Statement are not up. Mess will be sent to A. A. Copies after the

From 18/3

Pa. Stmt) 18/3

3 Copies of the Statement taken & filed B.V.N. by the Photo Branch 20/3/35 -dy

I.V. B.V.N.

To the typing section with compliments for typing 5 copies of the bill for being to the Publicity Office & Press for & printing respectfully.

16/5/35

Submitted for orders if a of the bill together with a of the Statement of objects & reas may be sent to the Press for publication & to the translation Section.

17/5/35

RECEIVED IN SECTION. 16 MAY 1935 GENL & REV. SECTT.

NOTE—Contn. Sheet.

WD 01955—GPB—22,500—12-6-34

3948

N.R.M to amend the Code of Criminal Procedure

File No. of 193 | General and Revenue Secretariat

The Bill will be published under Rule 8 & introduced in the ensuing session of the L.C.

V.S.

(1st Member)

Vernon Kimber

Dewan)

C
17/5/35

OFFICE OF THE FIRST MEMBER OF COUNCIL
20 MAY 1935
No. 8353

OFFICE OF THE SECOND MEMBER
20 MAY
No. 2796

DEWAN'S OFFICE
21 MAY 1935
No. 6786

C
20/5

J/22
21/5

Jm
20-5-35.

F.A
22.5

C-24

OFFICE OF THE SECRETARY
23 MAY 1935
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

To the L.C. Office for favour of taking necessary further action to get the Bill published in the

C
23/5/35

Wok

Three copies taken and file put up (Post to D.C. with copies)

Sec B
24.5.35

PM
25/5/35

The Statement of General Principles has been sent to R.A. Office and

6909 of 34

Amendment of C. & P. C.

General and Revenue Secretariat. | File No. of 193 .

the Bill has been published. S
Rule 8 of the Rules of business of the Legislative Council
the following motion
suggested for inclusion in
Agenda for the next meeting
of the Legislative Council.
(1) Motion that the Council
resolve itself in Committee.
(2) Motion that the Rules of
business be suspended and
the Bill be taken into Consideration
at once without reference to
Select Committee.
(3) Motion that the Hon.
Mover: the First Member
Seconder: Chief Secy to
Govt

Hon
5/6

Chief Secretary)
1st Member)

by
)/6

To the L.C. Office for Info.

This was approved
1st Member)

OFFICE OF THE
FIRST MEMBER OF COUNCIL
7 JUNE 1935
No. 8836

NOTE—Contn. Sheet.

14

6905

Bill to amend the Cr P.C

File No. of 193

General and Revenue Secretariat

The Bill was finally passed without any modification at the meeting of the Legislative Council held on 1.7.1935 and signed with a D.L.N

DEWAN'S OFFICE
8 JULY 1935
No. 128

OFFICE OF THE FIRST MEMBER
5 JULY 1935
No. 144

4/7 (1st Member) 4/7/35

7.N. signed by Member. 4/7/35

5/7 S. N. put up.

DEWAN) 5/7

6/7

6/7

M

Final Note by the First Member of Council.

Subject:—

Bill further to amend the Criminal Procedure Code.

Gracious approval of His Highness was accorded in March 1935 to place before the Representative Assembly a statement of general principles of a bill to amend Section 367 of the Crimina Procedure Code so that dictation of judgment may be permitted in the case of Judges not lower in rank than Assistant Sessions Judges and also by Magistrates specially empowered. The stateme was approved in the Representative Assembly in June 1935. Th bill itself was thereafter introduced in the Legislative Council at the meeting held on the 1st July 1935 and at the same sitting was considered and passed.

I now solicit gracious sanction of His Highness to promulgate the said bill as law.

Bangalore,
5th July 1935.

MEMBER OF COUNCIL.

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council* re: Bill further to amend the Criminal Procedure Code,

for His Highness' gracious approval.

Mirza M. Ismail

Dewan.

8-7-35.

Submitted & approved by
His Highness.

9-7-35.

C. Secy)

KC

9/7

General and Revenue
Secretariat

SUBJECT:- Re. bill for to amend the Crim Procedure Code

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Head-quarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide Rules* 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

.....Department.

245 9/7

FIRST MEMBER OF COUNCIL. 9/7

227 9.7.

SECOND MEMBER OF COUNCIL.

21.5. 9.7.

NOTE.—Contn. sheet.

Reg[2] No III of 1935

General and Revenue Secretariat. Legis File No. 14 of 193 5 [App. F. III-2

Sent with a draft order for publishing the Regn.

Sd 11/7

Sd 6/7

G.O. No. P325 of 12/15.7.

The Compilation Orders. The publication in the Reg[2] as Reg[2] III of 19

Proof received from the translator must be duly corrected with printed orders.

Sd 18/7

Issued P409 of 19.7.35

A Record.

17/9/35

3946

R. O. C. No. 654 34.35
~~Dis.~~

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Pa

Bangalore, 15th January 1

do 113-34-1

FROM

S. Venkata Ranga Iyengar, Esq., B.A., LL.M.,
Registrar, High Court of Mysore.

CHIEF SECRETARY 10 JAN. 1935

Rajasevasakta
R. Ranga Rao, Esq., B.A., B.L.,
Chief Secretary to the Government of Mysore,
Bangalore.

SIR,

I am directed to refer to my letter R.O.C. No.679 of 1928-2 dated the 5th of April 1929, addressed to the Government and the Govern ment's reply thereto in the matter of amending Section 367 of the Code of Criminal Procedure so as to bring it into conformity with the - corresponding section as amended in the British Indian Code, in order to make it possible that judgments in Criminal Cases may be written from the dictation of the presiding officers of Criminal Courts. Th proposal was then dropped as it was opposed in the Legislative Counci The High Court is of opinion that the question may now be re-opened i a slightly modified form and proposes that dictation should be a by Judges not lower in rank than Assistant Sessions Judges and also b Magistrates specially empowered. This will assist the Judges and - Magistrates concerned in their work and enable them to dispose of cas more promptly.

I am therefore to request that the Government may be plea to take this proposal into consideration and, if it is approved, to amend Section 367 of the Code of Criminal Procedure accordingly.

I have the honour to be,

Sir,

Your most obedient servant,

S. Venkataranga Iyengar

Registrar.

Bill further to amend the Code of Criminal Procedure.

Whereas it is expecient to furthe amena the Code of Criminal Proceaure 1904, it is hereby enactea as follows:

1. In suo section (1) of Section of the said Code after the words "writ by the presiding officer of the Court" the following woras shall be inserted, namely, "or from the dictation of such presiding officer when specially empowered in this behalf by the Government", and at the end of the said sub section the following woras shall be added "and where it is not written by the presiding officer with his own hand every page of such judgment shall be signed by him."

2. At the end of the saia section, the following new suo section (6) shall be added, namely,

"(6) For the purposes of this section, an order under Section 118 or Section 123 sub section (3), shall be deemed to be a judgment."

STATEMENT OF OBJECTS AND REASONS

Under Section 367 of the Code of Criminal Procedure every judgment has to be written by the presiding officer of the court in his own hand. ~~This leads to delay and waste of time.~~

Power has been taken in the Civil Procedure Code to empower the presiding Judge to pronounce judgments by dictation. That system has proved to be a convenient arrangement and is working satisfactorily. It is considered desirable to take a simila power under the Code of Criminal Procedure to empower selected presiding officers of Criminal Courts. This will assist the Judges and Magistrates concerned in their work and enable them to dispose of cases more promptly. The High Court has recommended such a provision being made.

It is proposed that dictation should be allowed only in the case of Judges not lower in rank than Assistant Sessions Judg and of Select Magistrates.

In British India the power is given to all presiding officers.

STATEMENT OF GENERAL PRINCIPLES.

Under Section 367 of the Code of Criminal Procedure every judgment has to be written by the presiding officer of the court. This leads to waste of time and delay in the disposal of cases.

The High Court has recommended that the Code of Criminal Procedure be amended so as to allow dictation of judgments by Judges not lower in rank than Assistant Sessions Judges and also by Magistrates specially empowered. This will assist the judges and magistrates concerned in their work and enable them to dispose of cases more promptly.

In British India section 367 of the Code of Criminal Procedure was amend in 1923 giving power to all presiding officers to dictate judgments, ~~and similar~~ Mysore Power has been taken under the Civil Procedure Code to empower the presiding officers of civil courts to pronounce judgments by dictation. The system has proved to be convenient arrangement and is working satisfactorily.

It is proposed to amend section 367 of our Code restricting the power only to officers specially empowered in that behalf.

THE MYSORE REPRESENTATIVE ASSEMBLY.

BUDGET SESSION—JUNE 1935.

STATEMENT OF GOVERNMENT BUSINESS TO BE PLACED BEFORE THE REPRESENTATIVE ASSEMBLY.

I. Statement of General Principles of the Bill further to amend the Negotiable Instruments Regulation, 1917.

The object of the Bill is to amend the Negotiable Instruments Regulation, 1917, so as to provide that cheques originally drawn to bearer shall not lose their bearer character, notwithstanding any endorsement thereon whether in full or in blank and whether such endorsement purports to restrict or exclude further negotiation or not. The necessity for the amendment has risen out of the view taken that under Section 50 of the Negotiable Instruments Regulation, 1917, and the illustration thereto, a bearer bill can legally be changed to an order bill by endorsement. This makes it incumbent on banks to examine all endorsements upon bearer cheques, and this considerably increases their work and responsibility without any compensatory advantage to their constituents or to the general public.

The law in British India has been similarly modified by Act XVII of 1934. It is necessary to amend the Mysore Regulation also since it is very desirable that the law in respect of Negotiable Instruments should be uniform in India.

The Bill is intended to secure the above object.

II. Statement of General Principles of the Bill further to amend the Mysore Limitation Regulation, 1911.

Under Articles 176 and 177 of the First Schedule to the Mysore Limitation Regulation, the time allowed for bringing on record the legal representative of a deceased party in suits and appeals filed under the Code of Civil Procedure is six months from the date of the death of such party. This provision leads to unnecessary delay in the disposal of civil cases. In British India, the period was reduced to 90 days by Act XXVI of 1920, and there is no reason to think that the reduction in the period of limitation has worked to the detriment of the parties. If a similar amendment is made here, one cause of delay in the disposal of cases will be removed. In exceptional cases, a remedy is provided by Order XXII, Rule 9 of the Civil Procedure Code. The High Court have recommended the reduction of the period to 90 days as proposed.

It is accordingly proposed to amend Articles 176 and 177 of the First Schedule to Mysore Limitation Regulation, 1911.

III. Statement of General Principles of the Bill further to amend the Code of Criminal Procedure, 1904.

Under Section 367 of the Code of Criminal Procedure, every judgment has to be written by the presiding officer of the court.

The High Court have recommended that the Code of Criminal Procedure, be amended so as to allow dictation of judgments by Judges not lower in rank than Assistant Sessions Judges and also by Magistrates specially empowered. This will assist the Judges and Magistrates concerned in their work, and enable them to dispose of cases more promptly.

In British India, Section 367 of the Code of Criminal Procedure, was amended in 1923, giving power to all presiding officers to dictate judgments. Power has been taken under the Mysore Civil Procedure Code to empower the presiding officers of Civil Courts to pronounce judgments by dictation. The system has proved to be a convenient arrangement, and is working satisfactorily.

It is proposed to amend Section 367 of our Code, restricting the power only to officers specially empowered in that behalf.

IV. Statement of General Principles of the Bill to further amend the Mysore Forest Regulation, 1900.

While under Section 75 of the Mysore Forest Regulation the sale or attempt to sell sandalwood is prohibited, no penalty is prescribed for breach of the provisions of this Section. Further the Regulation does not define the scope of the term "sandalwood".

2. Instances have come to the notice of Government in which no action could be taken against private persons possessing sandalwood saw-dust for purposes of sale as no penalty is prescribed under Section 75 of the Regulation and sandalwood "saw-dust" is not included in the term "sandalwood". It is therefore considered expedient to amend the said section by providing a penalty for contravention of the provisions of the said section and define the term sandalwood so as to include roots, billets, pieces, sawn or otherwise, chips and saw-dust (whether containing heartwood or not) of sandalwood, but not sandalwood carved or otherwise manufactured.

The Bill is intended to amend the Regulation accordingly.

V. Statement of General Principles of the Bill to amend the Cinematograph Regulation, 1923.

Under the provisions of the [illegible], 1923, all films intended for public exhibition in Mysore are subject to censorship. The censorship is, however, confined to the film itself and does not extend to the manner of advertising the film which is often more objectionable than the film advertised. This exhibition of indecent or otherwise objectionable film posters in public places has come to the notice of the Government and the desirability of taking action to bring these posters under control has been urged upon the attention of Government by Associations for social welfare and the suggestion has been made that the Regulation should be amended so as to provide for the censorship of all pictorial representations intended for use as advertising matter in connection with cinematograph films. The Bill is intended to provide for such censorship.

VI. Statement of General Principles of the Bill to amend the Mysore Agriculturists' Relief Regulation, 1928.

In September 1934, a Committee was appointed by the Government under the Chairmanship of *Rajasabhabhushana* K. R. Srinivasa Iyengar, M.A., to examine how far the extension of the Mysore Agriculturists' Relief Regulation to the whole State has affected the credit of the agriculturists and to submit a report to Government. The Committee examined the question and submitted to Government in February 1935, an exhaustive report together with the draft of a Bill embodying their recommendations.

Government have approved of the recommendations of the Committee with slight modifications as ordered in Government Order No. P. 6404-16—Legis. 12-34-1. dated 23rd May 1935 and this Bill is intended to secure the amendment of the Regulation on those lines.

The general principles of the proposed amendments to the Bill are as follows :—

Under the Regulation, the court is empowered to grant instalments at the time a mortgage decree is passed or in execution proceedings under such decree and also in execution proceedings under a money decree. There is no specific provision

empowering a court to direct payment by instalments when passing a money decree, though it may be said that it may exercise such power vested in it under the Civil Procedure Code, in case of suits under this Regulation also. It is proposed to amend Section 12 so as to include specifically such a power.

2. The existing discretionary power of courts to order interest or not under Sections 11 and 12 of the Regulation, is proposed to be modified so as to make it obligatory to grant some future interest in all cases, the rate of interest being, however, left to be determined by the courts.

3. The Bill provides for the addition of a new provision laying down that in fixing instalments under Sections 11 and 12 of the Regulation the courts should be required to take into consideration the period that the loan has been outstanding and also the repaying capacity of the judgment-debtor.

4. The courts will be empowered to direct that in the event of failure to pay two consecutive instalments, the whole debt should become due and be recoverable.

5. Exemption from attachment and sale in execution of a money decree under Section 14 is proposed to be limited to the agricultural land only of the debtor, and the other immoveables would not be so exempt. Provision is made to direct attachment and sale of the agricultural land also or declare a charge thereon in cases where payment by instalment is ordered and the debtor is unable to furnish security. The sale in pursuance of an attachment or charge will be ordered only when default is made in the payment of two consecutive instalments.

6. Power will be vested in the Government to exempt particular co-operative societies or classes of co-operative societies at their discretion from the operation of the provisions of the Regulation.

PRIVATE BILL.

General Principles of the Mysore Debtors' Bill.

A man who fails to pay a debt due under a decree is liable to be arrested and cast into prison.

It is increasingly felt to be a barbarity and the belief that it is a successful means of drawing out secreted property and preventing fraud is neither well founded nor morally justifiable. Corporal punishment for civil liability is neither desirable nor necessary in the interests of society.

Formerly, even women were thus liable. A law was passed preventing it, and the same is now embodied in Section 56 of the Civil Procedure Code.

Recently, agriculturists who come within the definition of the term in the Mysore Agriculturists' Relief Regulation have been exempted from the liability.

Arrest and imprisonment for non-payment of debt is thus recognised to be undesirable and opposed to our sence of justice and morality. It is the general feeling in many civilised countries. In England, they passed a law called the Debtors Act which has practically abolished arrest and imprisonment for non-payment of debt.

It is learnt that it has been abolished in France, Germany, Scotland, Turkey, South Africa and in many of the States of the U.S.A.

In agreement with this general feeling, the Bill seeks to abolish arrest and imprisonment in execution of a decree for money.

PRIVATE BILL.

1. The Mysore Debtors' (Regulation) Bill.

Whereas it is expedient to provide that no person shall be arrested or imprisoned in execution of a decree for money, it is hereby enacted as follows:—

1. (i) This Regulation shall be called "The Mysore Debtors' Regulation, 193 ."

(ii) It shall extend throughout the State of Mysore.

(iii) It shall come into force from the 1st day of January 193

2. Notwthstanding anything contained in any law for the time being, no person shall b arrested or imprisoned in execution of a decree for money passed whether befo: or after this Regulation comes into force.

Statement of Objects and Reasons.

The present law rendering a judgment-debtor liable to be cast into prison a barbarous. In all civilised countries, it has been either totally abolished is negatived by restrictions. In India the movement for its abolition started as for back as 1881. As a first step, the law exempted women from being arrested and imprisoned for a decree-debt. Since then the question has been considered now and then with the result that the law has been liberalised and the severity relaxed. Poverty and ill-health can be pleaded against imprisonment. Insolvency protection can be had under certain conditions. Nevertheless, the principle of arresting a man for failure to pay a debt is still recognised by the statute. It is a vicious principle, a negation of the dignity of the human body, a denial of the rights of the family and society over the person of the judgment-debtor. The Curgenven Report of 1914 and the Whitley Commission Report of 1931 alike recommended the abolition of imprisonment for debt. In England the Debtors Acts of 1869 and 1878 abolished it except in a few cases which have also become obsolete. It is learnt that imprisonment for debt is abolished in France, Germany, Scotland, many of the States of the U. S. A., Turkey and South Africa. In Mysore, it has been abolished in the case of all women by Section 56 of the Civil Procedure Code and in the case of all such men as are agriculturists, by Section 13 of the Agriculturists' Relief Regulation. It is generally agreed that arrest and imprisonment for debt is undesirable and deserving of abolition. The bill is intended to give effect to it.

BANGALORE,
Dated 1st June 1935.

C. SUBRAHMANYA AIYAR,
Secretary, Representative Assembly.

13-6-1935.
3.50 P.M.

III. STATEMENT OF GENERAL PRINCIPLES OF THE BILL FURTHER TO AMEND THE CODE OF CRIMINAL PROCEDURE.

.....

The Chief Secretary to Government explained the general principles of the Bill as follows:

(H.E. the statement)

The Bill was passed with the unanimous assent of the House.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

ORDER No. P325 (Sec I) Legis 14-35=1

Dated, Bangalore, the 13th July 1935.

15

Ordered that the accompanying Regulation further to amend the Code of Criminal Procedure, 1904 which received the assent of His Highness the Maharaja, on the 9th day of July 1935, be published as Regulation No.III of 1935, in the Mysore Gazette for general information.

For ~~Chief~~ Secretary to Government.
General Dept

To

The Compiler, Mysore Gazette, for publication in Part ~~III~~ IV of the Gazette, in English and Kannada and for supply of spare copies in English and in Kannada as per standing orders. Proofs should be sent to this office for approval before publication.

Regulation III of 1935
(Received the assent of His H
the Maharaja on the 9th o
of July 1935)

NOTIFICATION.

No. 3494—*L. C. Bangalore, dated* 25*th May* 1935.

Under rule 8 of the rules for the conduct of business the Mysore Legislative Council, the accompanying ill further to amend the Code of Criminal Procedure, 904, is published for general information with the statement of objects and reasons.

By Order,
C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

regulation

~~Bill~~ further to amend the Code of Criminal Procedure, 1904.

Whereas it is expedient to further amend the Code of Criminal Procedure, 1904, it is hereby enacted as follows:—

1. In sub-section (1) of Section 367 of the said Code after the words "written by the presiding officer of the Court" the following words shall be inserted, namely, "or from the dictation of such presiding officer when specially empowered in this behalf by the Government," and at the end of the said sub-section the following words shall be added "and where it is not written by the presiding officer with his own hand, every page of such judgment shall be signed by him."

2. At the end of the said section, the following new sub-section (6) shall be added, namely,

"(6) For the purpose of this section, an order under Section 118 or Section 123 sub-section (3), shall be deemed to be a judgment."

Mirza M. Ism
Dewan

Statement of Objects and Reasons.

Under Section 367 of the Code of Criminal Procedure, every judgment has to be written by the presiding officer of the court in his own hand.

Power has been taken in the Civil Procedure Code to empower the presiding Judge to pronounce judgments by dictation. That system has proved to be a convenient arrangement and is working satisfactorily. It is considered desirable to take a similar power under the Code of Criminal Procedure to empower selected presiding officers of Criminal Courts. This will assist the Judges and Magistrates concerned in their work, and enable them to dispose of cases more promptly. The High Court has recommended such a provision being made.

It is proposed that dictation should be allowed only in the case of Judges not lower in rank than Assistant Sessions Judges, and of select Magistrates.

In British India, the power is given to all presidi officers.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

ORDER No. P-325/Ex

Dated, Bangalore, the 15th May 1935.

Ordered that the accompanying Regulation further to amend the Code of Criminal Procedure, 1904 which received the assent of His Highness the Maharaja, on the 9th day of July I. E., be published as Regulation No.III of 1935, in the Mysore Gazette for general information.

For Chief Secretary to Government.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply of seven copies in English and in Kannada as per standing order. Proofs should be sent to this office for approval before publication.

G. R. S. VI.—s-III/14]

DRAFT.

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

( )

, *the*.....*191*

Date of issue 25/7/35

Signed by [signature]

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

Section. Legs

File No.

Serial No.

Proceedings of the Government of H. H. the Maharaja of Mysore.

Order No. P. 325/Secr

Ordered that the accompanying Regulation further to amend the Code of Criminal Procedure

which received the assent of His Highness the Maharaja, on the 9th day of July 1935, be published as Regulation No. III of 1935, in the *Mysore Gazette* for general information.

Secretary to Government.

To

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